



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

DOD: 10-5-99		DALE BOLDEN , Administrator with Full IAEA, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 7-2-12.</u> <u>Minute Order 7-2-12: Counsel requests a continuance. Matter continued to 9-10-12.</u> <u>SEE ADDITIONAL PAGES</u>
Cont. from 070212			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
<p>Defendants: The Ebenezer Community Church of God in Christ, a nonprofit charitable corporation; all persons unknown claiming any legal or equitable right, title, estate, lien or interest in the property described in the complaint adverse to Plaintiff's title thereto; and DOES 1 through 100, inclusive.</p> <p>Petitioner states the Decedent owned a 40% interest in certain real property improved as a church at his death, and describes various circumstances surrounding its ownership, including issues with the church organization / tenant. Background:</p> <p>Decedent purchased the lot where they intended to construct a church in the mid 70s with his wife, but with inherited funds. Other congregation members joined the Decedent in the financing and originally title was held by: the Decedent and his wife, Richard and Lela Lee, husband and wife, Alfonso Moultrie, and Glen Felder. Glen Felder quitclaimed his interest to the others, and later, in 2004, when negotiating various issues church tenant, the church represented that they had acquired assignments of interest from the other title holders.</p> <p>Petitioner states he has bargained in good faith over a period of eight (8) years with the Defendants attempting to work with them in order to afford them the opportunity to purchase the Decedent's interest in the property; however, they have failed to follow through on their promise to purchase. During this time, Petitioner has maintained the real property insurance and paid property taxes.</p> <p>Physical partition of the property is not possible since it is a single parcel improved with a church building, parking lot, fence and landscaping. Sale and apportionment of the proceeds between the parties is the only viable and reasonable alternative in this matter.</p> <p>Petitioner has incurred additional costs for insurance, real property taxes, and attorney fees to preserve and protect the real property since Defendants abandoned the premises in or about 2010. The church accrued unpaid rent of \$7,500.00 for which Petitioner is requesting that amount to be paid from the proceeds by Defendants. Petitioner also requests reimbursement of her reasonable costs, expenses and attorney fees for initiating and maintaining this action.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>			
			Reviewed by: skc Reviewed on: 9-5-12 Updates: Recommendation: File 1 - Moultrie

Petitioner requests Orders that:

1. The interest of the Decedent's estate in the real property located at 2940 S. Martin Luther King Boulevard, Fresno, 93706 is an undivided forty percent (40%) of the whole;
2. The Defendants' interest in the real property located at 2940 S. Martin Luther King Boulevard, Fresno, 93706 is an undivided sixty percent (60%) of the whole;
3. No other person or persons has or have any interest in the real property located at 2940 S. Martin Luther King Boulevard, Fresno, 93706;
4. There is no viable alternative than sale to resolve the conflicting interest of the parties;
5. Petitioner is granted the authority to publish for sale the real property located at 2940 S. Martin Luther King Boulevard, Fresno, 93706 pursuant to the provisions set forth in the Probate Code that govern the sale of real property subject to confirmation of the Court;
6. Petitioner is authorized to list the real property for sale with a reputable real estate broker of her choice and to accept bids for purchase of the real property pursuant to the rules and procedures as is the custom in court confirmed sales;
7. Petitioner shall petition the probate court for confirmation of sale immediately upon acceptance of the highest and best bid;
8. Petitioner, upon the close of escrow, shall deposit the proceeds into a blocked federally insured account and;
9. The Court make a determination as to the reimbursement of fees and costs advanced in this matter, of the past rents owed to the Decedent's estate from the Defendant and for the award of reasonable attorney fees and costs according to proof; and
10. The Court order division of the net proceeds of sale between the parties in accordance with its determination.

Respondents listed as: The Ebenezer Community Church of God in Christ, a nonprofit charitable corporation, Estate of Richard and Lela Lee, and Estate of Alfonso Moultrie filed Opposition on 6-29-12 (P&A included) (signed by Attorney Mark D. Johnson only) and a Declaration in Support of Opposition (signed by Pastor Wilbur Clark of The Ebenezer Community Church of God in Christ) on 8-31-12.

The Opposition states that each of the titleholders, including Decedent, took title to the subject property with the intent of holding it in resulting trust for the benefit of The Ebenezer Community Church of God in Christ, as evidenced by the declarations of Alfonso Moultrie and Richard Lee (copies signed 9-6-2000 attached). However, defendant has been unable to clear title in its name because it has been unable to obtain the names of the heirs of Alfonso Moultrie with no cooperation from Plaintiff who was cousins with his heirs. Defendant's attorney has made this problem aware to plaintiff's attorney, but plaintiff has still failed to name the Estate of Alfonso Moultrie and Estate of Richard and Lela Lee as defendants as required by CCP 872.510.

It is also necessary for the Court to determine whether the interests of the married persons constitute one or two interests in the subject property as they are listed together on one line of the deed as husband and wife. This must be resolved in order to determine whether plaintiff held a minority interest of only one-fourth (25%), one-third (33%), or two-fifths (40%). Plaintiff has withheld the rents obtained from the church in an amount of \$70,000.00 over three years without allocating these rents to the majority tenants in common of the estates of Alfonso Moultrie and Richard Lee. This has compensated the plaintiff's interest in the subject property and if plaintiff contests this then he has failed to allocate the proceeds gained to the other parties that hold interest in the property.

The original settlement agreement to satisfy plaintiff's interest was for only \$65,000.00 and defendants ask that the court order the rents withheld by plaintiff to be credited back to the church in proportion to its determined interest of either all or a majority of the subject property.

Defendants request a continuance in order for the court to ascertain the rights of the relevant parties by presentation of facts and law in controversy by pleadings, as in an original action pursuant to CCP 873.850.

SEE ADDITIONAL PAGES

The Opposition describes that the church has been meeting there for over 30 years, and that the intestate heirs of O'Dell and Helen Moultrie claiming some right, title, estate, lien, or interest in the property constitute a cloud on Defendant's title to the property. In 1969, the first payment was made on the property by members of the unincorporated association. It is clear from the original writings that the property was purchased FBO the church. See attached letter from the Mennonite Conference (seller of the property) from 1970. Title was held in the individual members, but the intent had always been to later place title in the name of the church. However, the title was not changed prior to the deaths of the late Reverend and Mrs. Moultrie.

There are signed declarations from Richard Lee and Alfonso Moultrie that their only interest was that of trustees for the church. Since Decedent's death, Plaintiff contends that Plaintiff is the owner and not the church. In 2000, in response to this dispute, the defendants signed a settlement where they would receive the premises for \$65,000.00; however, the church has been unable to pay this amount and has no ability to borrow because they are not listed as the title holders. Defendants have been unable to contact Alfonso Moultrie to clear title and have received no help from the plaintiff who is a relative.

Defendants' attorney was out of state and never served when the plaintiff filed an unlawful detainer in 2007. Defendants decided to take an unlawful detainer judgment by default. They proceeded to enforce the judgment and lock the church out.

Under Plaintiff's position, they were not the sole owners and should not have been able to get an unlawful detainer against the co-title holders. Defendants' position is that the property was purchased by the church and at all times the church was the beneficial owner of the property.

After the UD lockout, Defendants only agreed to pay rents until the church was able to clear title, which could not be done until a loan was secured for the property in the name of the church. The "rents" have been paid for three years amounting to \$70,000.00, which has not been divided evenly amongst the other title holders.

In October 2010, after paying \$70,000.00 in "rent" the church informed defendants that "rent" would no longer be paid, and unlawful detainer was chosen instead of seeking settlement. Defendants never "abandoned" the property, they were evicted.

Improvements and bills were all paid by the church, including insurance, taxes, and demolition of an old building. Defendants allege that defendants have engaged in vandalism, destruction and waste of the church property on more than one occasion, and have interrupted and disrupted church services and activities by removing church property during services, and obstructing access by church members.

Civil Code §2224 states one who gains a thing by fraud, accident, mistake, undue influence, the violation of trust, or other wrongful act is an involuntary trustee of the thing gained for the benefit of the person who would otherwise have had it.

This wrongful act giving rise to a resulting trust does not need to amount to fraud or misinterpretation (cites included). Plaintiffs have taken possession of the property by such an act in an unlawful detainer action and are involuntary trustees of the title held in Decedent's name FBO Defendants.

Discussion and cites are included, with reference to Defendants' rights violated should be restored by TRO and quiet title.

SEE ADDITIONAL PAGES

Defendants pray for an immediate TRO during pendency of this action and for a preliminary injunction and permanent injunction enjoining plaintiff from causing vandalism, destruction or waste of the subject property, interfering with church services or other church activities and the quiet use and enjoyment of the subject property.

Defendants also request judicial determination that plaintiff's actions and omissions violated the defendants' rights, that the church is the rightful owner of the property, that the title held in the names of decedents is held by defendants as trustees of a resulting trust FBO defendant, and plaintiff has no right, title, or interest in the property, compelling plaintiff to convey to defendant forthwith all of the title held in the names of decedents, for reasonable attorney's fees and costs as proven, for a judgment that the church is the owner in fee simple and plaintiff has no interest, for an accounting of the rents and profits and dealings and transactions of the real property, and that plaintiff should be adjudged to pay defendants whatever sum of money shall appear to be due from the rents and profits pursuant to CCP 2938 or as otherwise proven, for costs of suite incurred herein, and such other and further relief as the court may deem proper and just.

NEEDS/PROBLEMS/COMMENTS:

PETITIONER:

1. It appears Petitioner is relying on the representation by the church in 2004 that they had acquired assignments of interest from the other owners on title (Richard and Lela Lee and Alfonso Moultrie); however, Petitioner does not provide documentation such as a copy of the title report that is in Attorney Molsenbocker's possession, recorded deeds, etc.

Therefore, the Court may require clarification and/or notice of this petition to Richard and Lela Lee and Alfonso Moultrie of this petition.

2. If granted, the Court will set a status hearing for filing of the Report of Sale on a date to be determined.

RESPONDENTS:

1. It is unclear which parties are "defendants." The Opposition is not verified pursuant to Probate Code §1020, and the parties listed include "estates" but appears to combine individual estates and does not reference any personal representatives. Need clarification: Which party or parties specifically does Attorney Mark Johnson represent?
2. It appears that the defendants are requesting TRO and preliminary and permanent injunction. If the Court is to consider this request, a separate hearing must be set pursuant to CCP §527. The Court may require clarification as to the request.

Atty Istanbulian, Flora, sole practitioner (for Petitioner Theodora Michailides, Conservator)

Report of Sale and Petition for Order Confirming Sale of Real Property

Age: 92 years DOB: 9/30/1919		THEODORA MICHAILIDES, goddaughter and Conservator of the Person and Estate, is Petitioner.		NEEDS/PROBLEMS/ COMMENTS:	
				1. Item 4(a) of <i>Petition</i> does not state the manner of vesting title. 2. Item 9 of the proposed order is incomplete regarding manner of vesting title. Note: <i>Ex Parte Order Vacating Sale of Real Property and Order for Resale</i> signed 8/13/2012 finds the previous order confirming the sale dated 4/30/2012 is vacated (due to buyers' cancellation of previous contract), and Petitioner is authorized to resell the property. Note: If petition is granted, Court will set a status hearing as follows: • Friday, October 19, 2012 at 9:00 a.m. in Dept. 303 for filing proof of sale proceeds deposited into a blocked account. Pursuant Local Rule 7.5, if the document noted above is filed 10 days prior to the date listed, the hearing will be taken off calendar and no appearance will be required.	
		Sale Price - \$117,000.00			
		Overbid - \$123,350.00			
Cont. from					
<input type="checkbox"/>	Aff.Sub.Wit.	Reappraisal - \$120,000.00			
<input checked="" type="checkbox"/>	Verified				
<input checked="" type="checkbox"/>	Reappraisal				
<input type="checkbox"/>	PTC	Property - 3318 E. Huntington Blvd. Fresno, CA 93702			
<input type="checkbox"/>	Not.Cred.				
<input checked="" type="checkbox"/>	Notice of Hrg				
<input checked="" type="checkbox"/>	Aff.Mail	W/	Publication - Business Journal		
<input checked="" type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.	Buyer - Robert Marion Bostrom (manner of vesting title unstated)			
<input type="checkbox"/>	Conf. Screen				
<input type="checkbox"/>	Letters				
<input type="checkbox"/>	Duties/Supp	Broker - \$7,020.00 (6% - \$3,510.00 payable to Angie Hyatt of Hyatt Real Estate for seller, and \$3,510.00 payable to Amy Strausser of London Properties for buyer)			
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order	Bond - \$304,000.00 (sufficient)			
<input checked="" type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				Reviewed by: LEG	
				Reviewed on: 9/5/12	
				Updates:	
				Recommendation:	
				File 2 - Mitchell	

Petition for Termination of Further Proceedings and Discharge of the Personal Representative [Prob. C. 12251]

DOD: 8/27/2011		<p>ERIC SCHLOEN, petitioner, was appointed Special Administrator without bond. Letters expired 3/27/12.</p> <p><i>Petitioner was appointed Special Administrator for the limited purpose of obtaining Medi-Cal benefits for the decedent to settle medical bills incurred by decedent prior to his death. Petitioner is an agent of hospital where decedent died.</i></p> <p>I & A - waived per order appointing special administrator.</p> <p>Petitioner states he performed all duties necessary as special administrator as he obtained health benefits for the decedent, the estate has no assets and there is no longer a need for a special administrator.</p> <p>Petitioner Prays for an Order:</p> <p>1) Terminating the administration of the estate and discharging the Special Administrator.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Inventory			
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<input checked="" type="checkbox"/>	Sp.Ntc.			W/
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			4/16/12
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: KT				
Reviewed on: 9/5/12				
Updates:				
Recommendation:				
File 3 – Hernandez- Lawson				

Status Conference

DOD: 12/23/06	JUANITA HARLAN , daughter, was appointed Administrator with full IAEA without bond on 8/28/07 and Letters issued on 11/21/07.	NEEDS/PROBLEMS/COMMENTS:
	Inventory and Appraisal filed 11/2/07 valued the property at \$225,000.00 as of 12/23/06.	CONTINUED FROM 07/10/12
Cont. from 050112, 071012	On 4/27/11 , the court set a status hearing for failure to file a first account or petition for final distribution.	1. Need status update.
Aff.Sub.Wit.		
Verified		
Inventory	Status Report filed 7/21/11 states the Administrator executed a new listing agreement for sale of the sole asset of the estate, real property located in Coalinga. The listing price is \$120,000.00 and the agreement is effective from July 15, 2011, through January 31, 2012. The Administrator is not yet in a position to file a petition for final distribution. The Administrator estimates that it will take approximately six months to sell the property and close the estate.	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail	Status Report filed on 3/28/12 states the original appraisal value of the property was \$225,000.00. The property has been listed for sale at \$120,000.00. An offer to purchase the property at \$50,000.00 was made on 8/29/11. This offer is \$70,000.00 below the listing price. The Administrator's cousin has expressed an interest in purchasing the property for \$70,000.00. Administrator is in discussions with her cousin for this purpose. The family member is no longer interested in purchasing the property for \$70,000.00 Administrator estimates that it will take approximately an additional 6 months for the residential real estate market to improve in order to find a bona fide purchaser and further to close the estate.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
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Letters		
Duties/Supp		
Objections		
Video Receipt	Minute Order dated 04/03/12 set this matter for hearing on 05/01/12 and states: Court orders Mr. McComas to provide a declaration from broker stating how the sale price of property was established.	
CI Report		
9202	Status Report filed 07/02/12 states: the sole asset of the estate is the decedent's house located at 196 E. Cherry Lane in Coalinga. The property has been listed for sale and an offer has been accepted by the Administrator for \$53,600.00. Escrow has been initiated and is expected to close within the next ten (10) days. The Administrator paid back taxes on the property to avoid a tax sale. Further delaying the close of escrow is the title company's pending receipt of information on a deed of trust recorded against the property in favor of the SBA. A notice of proposed action has been sent to all interested parties and no one objected to the sale. The CA Dept. of Health filed a claim against the property in the amount of \$65,922.32. The claim will only be partially satisfied when the proceeds from the sale are distributed. The Administrator won't be in a position to file a petition to close the estate until escrow closes on the sale of the property. It is estimated that it will take no more than one month to close escrow and prepare and file a petition for final distribution. The estate is expected to be insolvent.	
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Minute Order from 07/10/12 hearing states: Counsel advises the Court that he believes there is a recorded deed of trust. Counsel requests a continuance.	
	Notice of Proposed Action filed 08/21/12 re the sale of the Cherry Lane property for \$60,000.00.	
		Reviewed by: JF
		Reviewed on: 09/05/12
		Updates:
		Recommendation:
		File 4 - Diaz

Status of Mom's Employment

Age: 12 years DOB: 12/28/99		STEPHANIE LASSLEY , Mother, was appointed Guardian of the Estate on 6/8/10 with all funds to be placed in a blocked account. Letters issued on 6/8/2010. <i>Inventory and appraisal filed on 1/4/11 shows the estate value at \$676,276.36. (First account was for the account period ending 6/8/11 is now due.)</i>	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 01/10/12</u> See Page 6 for a related matter.																																														
Cont. from 091211, 011012, 022112		Background: On 11/24/10, Mother ("Guardian") filed a <i>Petition for Order Authorizing Minor's support from Estate Despite Liability of Others</i> , stating: <ul style="list-style-type: none"> Guardian has returned to school to get her teaching credential through National University, and she works part time as a substitute teacher; When she works, she earns \$90.00 per day or \$45.00 per half day; In order to receive her teaching credential, Guardian will have to student teach for one year and will therefore be unable to work for that year; If Guardian is able to continue as scheduled, she is hoping to secure a job by the end of the 2012 school year, however this is not guaranteed. Guardian's Petition requested an order: authorizing the Guardian to support and maintain the minor out of the estate to the extent of \$700.00 per month to be paid to the Guardian, for assistance with living costs until further order of the court, commencing on July 1, 2010 (the date upon which the court authorized distribution of the Estate of Shane W. Lassley, Case no. 09CEPR00554), for a total amount of \$2,800.00 for the period of 7/1/10 to 10/31/09; and thereafter pay Stephanie Lassley the amount of \$700.00 per month. 																																															
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Continued on Page 2

Status Report filed 08/28/12 by Stephanie Lassley, mother/guardian of the estate states: she has a temporary position with Fresno Unified School District for the 2012/2013 school year as a part-time Certificated Tutor. She was not successful in obtaining a full-time teaching position through either Fresno or Clovis unified for the 2012/2013 school year. She states that she has decided to try to pass the Single Subject CSET tests for English and Social Studies, if she passes them, she can take one class (\$1,500.00) to get her Single Subject Credential which may help her get a teaching position at a secondary school. She is also working on BTSA. After one more year her Multiple Subject Credential will be cleared.

She states that she is trying her best and that her daughters are doing well. Olivia does well academically with a 3.8 GPA. She also likes volleyball and basketball and hopes to play both at Alta Sierra. She is enrolled in a couple of volleyball camps this summer. Ms. Lassley states that she is tracking their spending and that they could not make ends meet without the \$700.00 stipend from each girls' account.

Status of Mom's Employment

Age: 13 years DOB: 3/16/1998		STEPHANIE LASSLEY , Mother, was appointed Guardian of the Estate on 6/8/10 with all funds to be placed in a blocked account. Letters issued on 6/8/2010. <i>Inventory and appraisal filed on 1/4/11 shows the estate value at \$676,276.36. (First account was for the account period ending 6/8/11 is now due.)</i>	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 01/10/12</u> See Page 5 for a related matter.
Cont. from 091211, 011012, 022112		Background: On 11/24/10, Mother ("Guardian") filed a <i>Petition for Order Authorizing Minor's support from Estate Despite Liability of Others</i> , stating:	
Aff.Sub.Wit.			
Verified		<ul style="list-style-type: none"> Guardian has returned to school to get her teaching credential through National University, and she works part time as a substitute teacher; When she works, she earns \$90.00 per day or \$45.00 per half day; In order to receive her teaching credential, Guardian will have to student teach for one year and will therefore be unable to work for that year; If Guardian is able to continue as scheduled, she is hoping to secure a job by the end of the 2012 school year, however this is not guaranteed. Guardian's Petition requested an order: authorizing the Guardian to support and maintain the minor out of the estate to the extent of \$700.00 per month to be paid to the Guardian, for assistance with living costs until further order of the court, commencing on July 1, 2010 (the date upon which the court authorized distribution of the Estate of Shane W. Lassley, Case no. 09CEPR00554), for a total amount of \$2,800.00 for the period of 7/1/10 to 10/31/09; and thereafter pay Stephanie Lassley the amount of \$700.00 per month. 	
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CI Report			
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Aff. Posting			
✓ Status Rpt			
UCCJEA		Continued on Page 2	Reviewed by: JF Reviewed on: 09/05/12 Updates: Recommendation: File 6 - Lassley
Citation			
FTB Notice			

Status report re Mom's Employment filed 01/31/12 states that Stephanie Lassley is currently working part time as a Certified Tutor with Fresno Unified School District. She has not been able to obtain a full time position yet. Further, she has picked up a few hours of additional tutoring through Fresno Unified's Ases program and she is able to sub in the afternoons occasionally. Ms. Lassley states that she and her daughters are budgeting carefully and could not make ends meet without the \$1,400.00 stipend from the girls' accounts.

Minute Order from 02/21/12 hearing states: Counsel advises the Court that the mother has a part-time job doing some tutoring.

Status Report filed 08/28/12 by Stephanie Lassley, mother/guardian of the estate states: she has a temporary position with Fresno Unified School District for the 2012/2013 school year as a part-time Certificated Tutor. She was not successful in obtaining a full-time teaching position through either Fresno or Clovis unified for the 2012/2013 school year. She states that she has decided to try to pass the Single Subject CSET tests for English and Social Studies, if she passes them, she can take one class (\$1,500.00) to get her Single Subject Credential which may help her get a teaching position at a secondary school. She is also working on BTSA. After one more year her Multiple Subject Credential will be cleared.

She states that she is trying her best and that her daughters are doing well. Olivia does well academically with a 3.8 GPA. She also likes volleyball and basketball and hopes to play both at Alta Sierra. She is enrolled in a couple of volleyball camps this summer. Ms. Lassley states that she is tracking their spending and that they could not make ends meet without the \$700.00 stipend from each girls' account.

Atty Vallis, James H., sole practitioner, Kingsburg (for Petitioner Magdalena Rangel, Administrator)

Status Hearing Re: Approval of Sale

DOD: 9/14/2009	MAGDALENA RANGEL , sister, was appointed Administrator with Full IAEA with bond of \$60,000.00 on 7/12/2010.	NEEDS/PROBLEMS/COMMENTS:
	Amended Order for Probate was signed on 8/18/2010 granting the Administrator <u>Limited IAEA without bond</u> and Letters issued on 8/18/2010.	
Cont. from 062111, 011012, 040312, 071012	Minute Order dated 8/9/2010 from the status hearing on filing of the proof of bond states the Court grants the request for no bond, but then grants only limited authority in lieu of full authority.	Continued from 7/10/2012. Minute Order states Counsel advises the Court that they are waiting on Bank of America regarding the loan.
Aff.Sub.Wit.		
Verified		The following issue from the last hearing remains:
Inventory		
PTC	Report on Status of Residence Sale filed 2/9/2011 for the status hearing on 2/22/2010 (continued from 2/7/2011) for the sale of the real property states that Petitioner contacted a broker and was informed that due to the condition of the home, the broker declined to list the property until habitability corrections are made.	1. Need Report of Sale and Petition for Order Confirming Sale of Real Property (mandatory-use Judicial Council form DE-260) pursuant to Probate Code § 10308(a), which requires proof of 15 days' posting by the Court of the notice of time and place of hearing pursuant to Probate Code §§ 10308(c) and 1230(a).
Not.Cred.		
Notice of Hrg	Minute Order dated 2/22/2011 states the Court orders a reappraisal (Order on Report of Status of Residence Sale signed on 3/2/2011 reiterates the order for reappraisal). Matter is set on 6/21/2011 for status hearing on approval of sale.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters	Reappraisal for Sale filed on 4/18/2011 indicates a reappraised value of the ½ interest in real property at \$42,500.00 . (Note: Final Inventory and Appraisal filed 9/1/2010 indicates the real property was valued at \$55,000.00 .)	
Duties/S		
Objections	Affidavit of Publication filed on 5/24/2011 shows publication was made in the Fresno Bee indicating the Kingsburg real property was to be sold on 5/23/2011 at private sale at the office of Attorney Vallis for \$85,000.00 cash on an "as is" basis.	
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

~Please see additional page~

Reviewed by: LEG

Reviewed on: 9/5/12

Updates:

Recommendation:

File 7 - Castro

Minute Order dated 6/21/2011 [Judge Gallagher] from the last status hearing states: Counsel advises the Court that the property has not been sold. Counsel further advises that they had a buyer, but the bank withdrew its support. The Court is informed that there are seven heirs. The Court continues the matter to 1/10/2012. Counsel is directed to file a report of sale if there is a sale of the property in the interim.

Minute Order dated 1/10/2012 states Counsel informs the Court that the highest bid received on the house is **\$40,000.00**. Matter continued to 4/3/2012, and *Minute Order* of that date continued the matter to 7/10/2012.

Status Hearing Re: Filing of the Inventory and Appraisal

		<p>NANCY QUEMADA LAU was appointed conservator of the persona and the estate, without bond, on 5/30/12.</p> <p>This status hearing was set for the filing of the inventory and appraisal.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need inventory and appraisal or current status report.</p>
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: KT</p> <p>Reviewed on: 9/5/12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 - Quemada</p>	

DOD: 2/7/12		DENNIS P. AVEDISIAN was appointed Administrator with Will Annexed, with full IAEA authority and without bond on 5/10/12.	NEEDS/PROBLEMS/COMMENTS: 1. Need <u>final</u> inventory and appraisal or current status report.
Cont. from		Inventory and appraisal, partial no. 1 was filed on 6/15/12 - \$1,818,710.17	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified	Inventory and appraisal, partial no. 2 was filed on 7/5/12 - \$2,095.10	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	This status hearing was set for the filing of the inventory and appraisal.	
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 9/5/12
			Updates:
			Recommendation:
			File 9 - Avedisian

Status Hearing Re: Filing of the Inventory and Appraisal

Age:			NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR. Inventory and Appraisal filed on 8/29/12.	
DOD:				
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT Reviewed on: 9/5/12 Updates: Recommendation: File 10 - Mason

Petition for Final Distribution on Waiver of Accounting

DOD: 5/19/2010		CONRAD PEREZ , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
Cont. from 070212		I & A - \$161,000.00	
	Aff.Sub.Wit.	POH - \$161,000.00	
✓	Verified		
✓	Inventory	Executor - waives	
✓	PTC		
✓	Not.Cred.	Proposed distribution is:	
	Notice of Hrg N/A	Conrad Perez - 100% interest in	
	Aff.Mail	real property and household furniture and	
	Aff.Pub.	furnishings.	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters 11/9/10		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	9202		
✓	Order		
	Aff. Posting		Reviewed by: KT
	Status Rpt		Reviewed on: 9/5/10
	UCCJEA		Updates:
	Citation		Recommendation: SUBMITTED
✓	FTB Notice		File 11 - Perez

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 1-7-11		<p>RANDY HAWKINS, Son, was appointed Administrator with Full IAEA without bond on 10-24-11.</p> <p>On 10-24-11, the Court set status hearing for filing of the Inventory and Appraisal on 1-30-12.</p> <p>On 1-30-12, the Administrator appeared and informed the Court that the inventory and appraisal was given to him today by his paralegal. The Court directed him to file the inventory and appraisal with the Clerk's Office forthwith and continued the matter to 7-30-12.</p> <p>On 7-30-12, Petitioner filed a Request for Extension to File Inventory and Appraisal and Final Accounting.</p> <p>Minute Order 7-30-12: Mr. Hawkins informs the court that his paralegal needs more time to prepare the Inventory and Appraisal. The Court continued the matter to 9-10-12.</p> <p>As of 9-5-12, nothing further has been filed.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Continued from 1-30-12, 7-30-12.</u></p> <p>1. Need Inventory and Appraisal.</p> <p><u>Note:</u> Administrator's original petition stated the estate contains real property with an estimated value of \$62,550.00.</p> <p><u>Note:</u> A status hearing for the filing of the first account or petition for final distribution is currently set for 10-29-12.</p>
Cont. from 013012, 073012			
Aff.Sub.Wit.			
Verified			
Inventory	X		
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 9-5-12</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 - Hawkins</p>	

Petition for Modified Visitation

[illegible]

Petition for Appointment of Guardian of the Person (Prob. C. 1510) (as to Miguel Malagon)

Age: 4 DOB: 03/04/08		<u>TEMPORARY EXPIRES 09/10/12</u>		NEEDS/PROBLEMS/COMMENTS: Continued from 07/10/12 Minute Order from 07/10/12 states: Also present in the courtroom is Trinidad Guillen and Santa Monica. Santa Monica is sworn and interprets for the Petitioner. The Court orders that a court investigator contact Kimberly Malagon and conduct a further investigation into the allegations against Miguel Malagon of corporal punishment on the minor as well as other children. The Court continues the matter to 09/10/12. All orders remain in full force and effect. See Page 14B for competing Petition of Paternal Grandmother, Teresa Torres. As of 09/05/12, the following remains outstanding: 1. Need Notice of Hearing . 2. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent and Waiver of Notice or Declaration of Due Diligence for: - Salvador Reyes Torres (father) - Kimberly Malagon (mother) 3. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent and Waiver of Notice or Declaration of Due Diligence for: - Salvador Torres (paternal grandfather) - Teresa Torres (paternal grandmother) - Trinidad Guillen (maternal grandmother) 4. Need Supplemental CI Report.	
Cont. from 041012, 052912, 071012		MIGUEL MALAGON , maternal grandfather, is Petitioner.			
		Father: SALVADOR REYES TORRES			
		Mother: KIMBERLY MALAGON			
Aff.Sub.Wit.		Paternal grandfather: SALVADOR TORRES Paternal grandmother: TERESA TORRES			
✓	Verified	Maternal grandmother: TRINIDAD GUILLEN			
	Inventory	Petitioner states that the minor has lived with him since birth. The mother comes in and out of the home and does not provide for the child's day to day needs. The mother is gang affiliated and uses drugs. In January 2012, mother took the minor from Petitioners home and left her with the paternal grandmother, Teresa Torres. Ms. Torres brought the minor back to Petitioners home and stated that she could not keep her safe. She stated that some men with guns came to her home demanding to take Angelina and said they were looking for the mother. Petitioner states that he fears for the minor's safety if her mother takes her because of her gang affiliation.			
	PTC	Court Investigator Jennifer Young's report was filed 03/29/12.			
	Not.Cred.	Court Investigator Jennifer Young filed an additional report on 05/21/12.			
	Notice of Hrg	Court Investigator Jennifer Young filed a Supplement Report on 07/03/12.			
	Aff.Mail	Court Investigator Jennifer Young filed a supplemental report on 07/06/12.			
	Aff.Pub.	Court Investigator Jennifer Young filed a supplemental report on – NEED SUPPLEMENTAL REPORT.			
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
✓	UCCJEA				
	Citation				
	FTB Notice				
		Reviewed by: JF			
		Reviewed on: 09/05/12			
		Updates:			
		Recommendation:			
		File 14A - Malagon			

Atty Malagon, Miguel (pro per – maternal grandfather/Petitioner)

Atty Torres, Teresa DeJesus (pro per – paternal grandmother/Competing Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510) (as to Teresa deJesus Torres)

Age: 4 DOB: 03/04/08		TERESA DeJESUS TORRES, paternal grandmother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 07/10/12 Minute Order from 07/10/12 states: Also present in the courtroom is Trinidad Guillen and Santa Monica. Santa Monica is sworn and interprets for the Petitioner. The Court orders that a court investigator contact Kimberly Malagon and conduct a further investigation into the allegations against Miguel Malagon of corporal punishment on the minor as well as other children. The Court continues the matter to 09/10/12. All orders remain in full force and effect.
		Father: SALVADOR REYES TORRES – consent and waiver of notice filed 03/27/12	
		Mother: KIMBERLY MALAGON – declaration of due diligence filed 04/05/12	As of 09/10/12, the following items remain outstanding: 4. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent and Waiver of Notice or Declaration of Due Diligence for: - Kimberly Malagon (mother) 5. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person or Consent and Waiver of Notice or Declaration of Due Diligence for: - Miguel Malagon (maternal grandfather/temporary guardian) - Trinidad Guillen (maternal grandmother) 3. Need Supplemental CI report.
Cont. from 052912, 071012		Paternal grandfather: SALVADOR TORRES – consent & waiver of notice filed 03/27/12	
<input type="checkbox"/>	Aff.Sub.Wit.	Maternal grandfather: MIGUEL MALAGON – competing Petitioner/temporary guardian	
<input checked="" type="checkbox"/>	Verified	Maternal grandmother: TRINIDAD GUILLEN	
<input type="checkbox"/>	Inventory	Petitioner states that the minor has not received stable adult guidance and supervision. Her mother is gang affiliated and is constantly exposing the minor to gangs. Petitioner states that the temporary guardianship is necessary to provide a safe and stable home to the minor.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	Declaration of Petitioner filed 03/27/12 attaches a notarized letter dated 01/31/12 in which the mother grants legal guardianship of the minor to Petitioner in the mother's absence. There is also a letter from the mother dated 02/26/12 that states that her father (competing Petitioner, Miguel Malagon) is a very aggressive man and wants things done his way. The declaration also states that the maternal grandfather/competing Petitioner tricked her (Paternal grandmother) into signing a consent & waiver of notice for his guardianship Petition. Petitioner states that he bullied her into signing the paper and she did not know what it was for. Further attached to the declaration are letters of reference from friends and associates attesting to Ms. Torres' character, as well as documents from various social service agencies from whom she receives assistance.	
<input type="checkbox"/>	Aff. Posting	Court Investigator Jennifer Young filed a report on 05/21/12.	
<input type="checkbox"/>	Status Rpt	Court Investigator Jennifer Young filed a Supplement Report on 07/03/12.	
<input checked="" type="checkbox"/>	UCCJEA	Court Investigator Jennifer Young filed a supplemental report on 07/06/12.	
<input type="checkbox"/>	Citation	Court Investigator Jennifer Young filed a supplemental report on – NEED SUPPLEMENTAL REPORT.	
<input type="checkbox"/>	FTB Notice		
			Reviewed by: JF
			Reviewed on: 09/05/12
			Updates:
			Recommendation:
			File 14B - Malagon

Jordan Nutt Age: 9	No Temporary Requested		NEEDS/PROBLEMS/ COMMENTS:
Noah Taylor Age: 7	SHIRLEY NUTT , maternal grandmother, is petitioner.		
Naomi Taylor Age: 7	Father (of Jordan): Unknown , Declaration of Due Diligence filed 07/12/2012		1. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice on: <ul style="list-style-type: none"> Father of Jordan (Unknown) – Unless the Court dispenses with notice. Note: Declaration of Due Diligence states that the petitioner is unable to search his whereabouts because she does not know his identity. Child's mother informed petitioner that she does not know the name of the child's father and the father's name is not listed on the child's birth certificate.
	Father (of Naomi & Noah): RICHARD TAYLOR – personally served on 07/31/2012.		
Cont. from	Paternal Grandparents (of Jordan): Unknown - Declaration of Due Diligence filed 07/12/2012.		Please see additional page
Aff.Sub.Wit.	Paternal Grandparents (of Naomi & Noah): Unknown		
✓ Verified	Mother: SHANNON NUTT - personally served on 07/16/2012.		<div>Reviewed by: KT / LV</div> <div>Reviewed on: 09/04/2012</div> <div>Updates:</div> <div>Recommendation:</div> <div>File 18 – Nutt & Taylor</div>
Inventory	Maternal Grandfather: William Nutt- consents and waives notice.		
PTC	Sibling: Javin Harrison – consents and waives notice.		
Not.Cred.	Petitioner states: the children have been residing with her since November 2011. The Mother is totally incapacitated and in a long term medical facility due to an assault in late February 2012. Petitioner needs guardianship in order to provide for the children's day to day needs. The fathers of the children are not in the children's lives.		
✓ Notice of Hrg	Court Investigator JoAnn Morris' report filed 08/30/2012.		
✓ Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
✓ Pers.Serv.			
✓ Conf. Screen			
✓ Letters			
✓ Duties/Supp			
Objections			
Video Receipt			
✓ CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
✓ UCCJEA			
Citation			
FTB Notice			

Needs / Problems / Comments continued

2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice on:
 - Paternal Grandparents of Jordan (Unknown) –Unless the Court dispenses with notice.

Note: Declaration of Due Diligence filed in regards to the paternal grandparents states that the petitioner is unable to search their whereabouts because she does not know their identity. Child's mother informed petitioner that she does not know the name of the child's father and the father's name is not listed on the child's birth certificate.

Note: Paternal Grandparents for Naomi and Noah were listed as unknown in the Petition, however a proof of service shows notice was given to a Janice Marie Reeves on 07/15/2012 by mail and that Richard Taylor, Sr. is deceased.